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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,365	06/29/2001	Frederick Morello	491328-600-006	2229

7590 11/10/2003

Blaney Harper
Jones, Day, Reavis & Pogue
51 Louisiana Ave., N.W.
Washington, DC 20001

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.
09/896,365

Applicant(s)
FREDERICK MORELLO ET AL.

Examiner
YVONNE M. HORTON

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3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 12, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Oct 5, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Drawings

1. Figures 1-8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3,14,15-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,962,633 to ALBRECHT et al. Regarding claims 1 and 15, ALBRECHT et al. discloses the use of panel member including a curved central portion (172) having a pair of side walls (170) extending therefrom wherein the side walls end in a pair of complementary wings (W), see the marked attachment. Regarding claims 2,3,16 and 17, the curved portion (172) is concave and resembles an arc. In reference to claims 14, 20, and in further regards to claim 15, the wings (W) of ALBRECHT et al. are disposed on opposing sides of the curved central portion (172) and includes a hook portion (HO) on one side and a hem portion (HE) on the other side, see also the marked attachment.

4. Claims 1-3,8,9,14,15-17,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,282,936 to BLAZLEY Regarding claims 1 and 15, BLAZLEY discloses the use of panel member including a curved central portion © having a pair of side

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walls (S) extending therefrom wherein the side walls end in a pair of complementary wings (70,71), see the marked attachment. Regarding claims 2,3,16 and 17, the curved portion © is concave and resembles an arc. In reference to claims 8,9 and 19, BLAZLEY discloses that the depth of his arc is 300mm which converts to 11.81 inches. Hence, the length of the arc of BLAZLEY falls within the requirements of the claims 8,9 and 19. Regarding claims 14, 20, and in further regards to claim 15, the wings (70,71) of BLAZLEY are disposed on opposing sides of the curved central portion © and includes a hook portion (70) on one side and a hem portion (71) on the other side.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 4-11,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,962,622 to ALBRECHT et al. ALBRECHT et al. discloses the basic claimed device except for the specifics of arc dimensions in degrees and inches. In reference to claims 4-7 and 18, although ALBRECHT et al. does not disclose specific details of the radius of his arc, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the radius of the arc constitutes the depth of the arc which in turn determines the actual rigidity and strength of the arc itself. Thus, the radius of the arc is an obvious matter of design choice determined by the required or desired amount of rigidity needed for how the panel is intended to be used. For instance, the wider the radius, the arc has less depth and therefor has less rigidity. On the other hand, the smaller the radius, the more the depth of the arc and therefor

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the more rigid the panel will be. Regarding claims 8-11 and 19, the length of the radius is also determined by how the panel will be used and how rigid, the panel is required to be. Hence, the length of the radius is also an obvious matter of design choice. The applicant has disclosed a wide range of arc radius degrees and lengths; however, the applicant has not provided any criticality over any one particularly claimed angle or length. Thus, the selection of the angle would have been an obvious matter of design choice depending upon the environment of which the device is being used.

7. Claims 4-7,10,11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6282,936 to BLAZLEY. BLAZLEY discloses the basic claimed device except for the specifics of arc dimensions in degrees and particular inches. In reference to claims 4-7 and 18, although BLAZLEY does not disclose specific details of the radius of his arc, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the radius of the arc constitutes the depth of the arc which in turn determines the actual rigidity and strength of the arc itself. Thus, the radius of the arc is an obvious matter of design choice determined by the required or desired amount of rigidity needed for how the panel is intended to be used. For instance, the wider the radius, the arc has less depth and therefor has less rigidity. On the other hand, the smaller the radius, the more the depth of the arc and therefor the more rigid the panel will be. Regarding claims 8-11 and 19, the length of the radius is also determined by how the panel will be used and how rigid, the panel is required to be. As mentioned above, the depth of the arc of BLAZLEY is 300mm which is converted to 11.81 inches. BLAZLEY does not disclose the particular dimensions of 6 inches or 5-8 inches.

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Hence, although BLAZLEY does not disclosed the claimed arc lengths, the length of the radius is also an obvious matter of design choice. The applicant has disclosed a wide range of arc radius degrees and lengths; however, the applicant has not provided any criticality over any one particularly claimed angle or length . Thus, the selection of the angle would have been an obvious matter of design choice depending upon the environment of which the device is being used.

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH



Patent Examiner

October 23, 2003

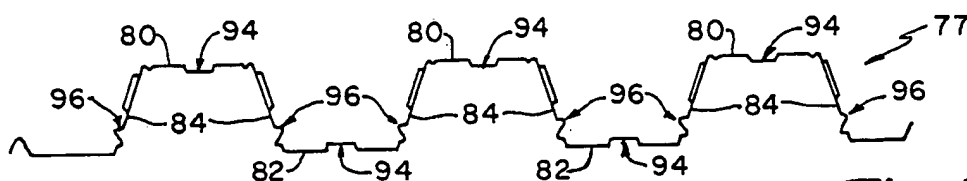


Fig. 18

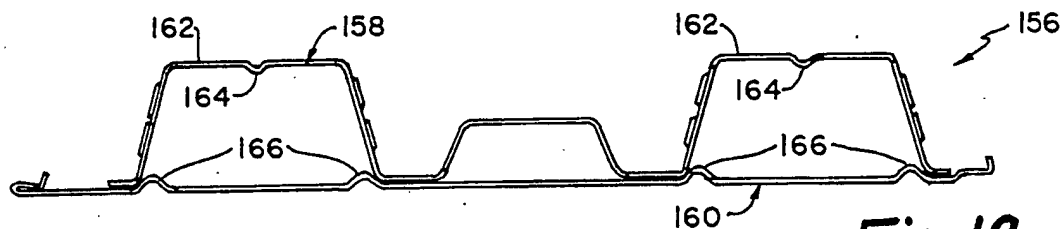


Fig. 19

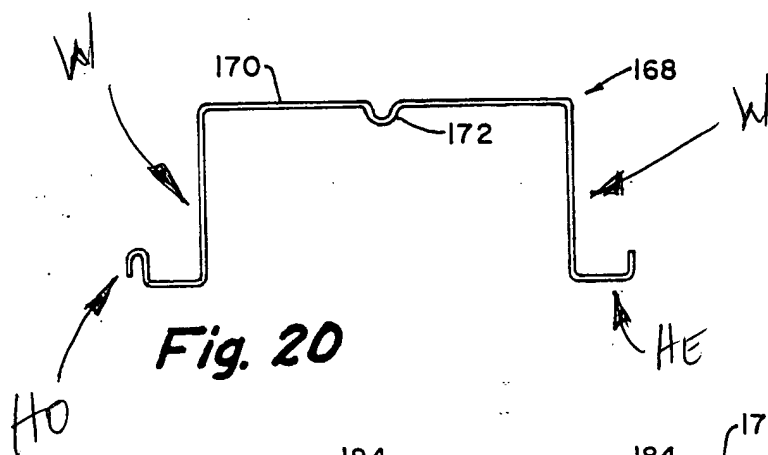


Fig. 20

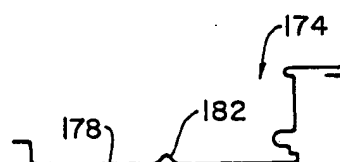


Fig. 21

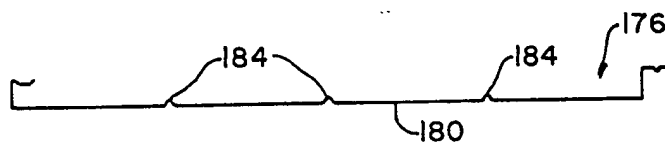


Fig. 22

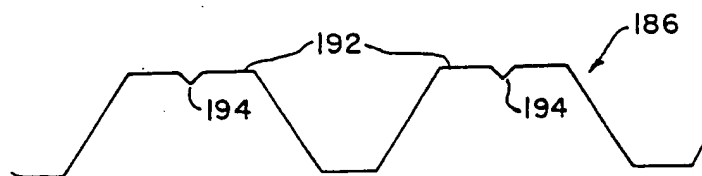


Fig. 23

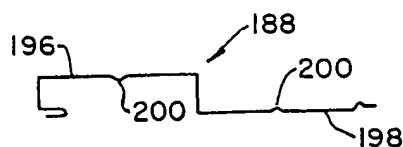


Fig. 24



Fig. 25

